

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 42

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-295, IDAHO CODE, TO PROVIDE CERTAIN AUTHORITY TO ASSIST AND PARTICIPATE WITH LAW ENFORCEMENT AGENCIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-295, Idaho Code, be, and the same is hereby amended to read as follows:

41-295. DUTIES OF THE INVESTIGATION SECTION. The investigation section of the department of insurance shall have the following duties:

(1) To conduct civil or criminal investigations within or outside this state as deemed necessary to determine whether any person has violated any provision of title 41, Idaho Code.

(2) For purposes of any investigation under this code, the director, or any officer designated by him, may administer oaths and affirmations, subpoena bank records, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents the director deems relevant or material to the investigation.

(3) The investigation section shall have the authority to assist and participate with law enforcement agencies in applying for, serving and executing search warrants when investigating potential violations of title 41, Idaho Code.

(4) The investigation section shall furnish all papers, documents, reports, complaints, or other facts of evidence to any police, sheriff or other law enforcement agency, when so requested, and will assist and cooperate with such law enforcement agencies.

(5) The investigation section shall refer criminal violations of the code to the attorney general, county prosecutor, or other prosecutor having jurisdiction of any such violation. The attorney general, county prosecutor, or other prosecutor shall promptly institute and prosecute such action or proceedings against such person as the information may require or justify. Whoever is the prosecuting attorney of record shall have exclusive authority in all matters regarding such action or proceeding.

(6) The investigation section shall have such other duties as the director of the department of insurance shall assign or as contained elsewhere in title 41, Idaho Code.

(7) The investigation section shall be permitted to seek court ordered restitution as reimbursement, for the cost of investigation from those individuals successfully prosecuted under section 41-293, Idaho Code. Any restitution payments received pursuant to this section shall be deposited in the insurance administrative account as provided in section 41-401, Idaho Code.